

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ARMAND PAUL BOURQUE	§	
	§	
v.	§	C.A. NO. C-06-460
	§	
NATHANIEL QUARTERMAN	§	

**ORDER TRANSFERRING HABEAS PETITION**

Petitioner is a state inmate currently incarcerated at the McConnell Unit in Beeville, Texas who has filed a habeas petition pursuant to 28 U.S.C. § 2254. (D.E. 1).

A petition for writ of habeas corpus may be filed in either the district in which a petitioner was convicted or where a petitioner is in custody. 28 U.S.C. § 2241(d); Mitchell v. Henderson, 432 F.2d 435, 436 (5th Cir. 1970). The McConnell Unit is located in Bee County, Texas, which is in the Corpus Christi Division of the Southern District of Texas. 28 U.S.C. § 124(b)(6). Petitioner is challenging a conviction in the 416th District Court of Collin County, Texas. (D.E. 1, at 2). Collin County is located in the Sherman Division of the Eastern District of Texas. 28 U.S.C. § 124(c)(3).

A habeas petition may be transferred to the district where the conviction occurred in the interest of justice. 28 U.S.C. § 2241(d). The purpose of allowing such a transfer is to provide a convenient forum for witnesses. Mitchell, 432 F.2d

at 436. Moreover, in addition to potential witnesses, the court records are also located in Collin County. Indeed, petitioner has indicated that he believes an evidentiary hearing is necessary in this petition. (D.E. 3).

Accordingly, petitioner's action is TRANSFERRED to Sherman Division United States District Court for the Eastern District of Texas.

ORDERED this 18th day of October 2006.



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BRIAN L. OWSLEY  
UNITED STATES MAGISTRATE JUDGE